

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

Plaintiff,

- v -

INTERNATIONAL LONGSHOREMEN'S
ASSOCIATION, et al.,

Defendants.
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MEMORANDUM

CV-05-3212 (ILG)(VVP)

By letter dated August 1, 2006, the plaintiff seeks clarification of one aspect of this court's order dated July 18, 2006 which denied their motion to compel answers to an interrogatory seeking information about communications among and between defendants and non-party co-conspirators. The interrogatory in question also sought the identification of all documents concerning any such communications, and an accompanying document request sought production of all documents so identified. The plaintiff urges the court to require production of the documents even though answers to the interrogatory were not required.

The request is denied for two reasons. The simple (albeit technical) reason is that the court's ruling is absolutely clear that the interrogatory in question need not be answered. Since the interrogatory need not be answered, no identification of documents need be made, and there are thus no documents to produce. More importantly, the efforts that would be required to unearth all such documents pose the same kinds of difficulties and create the same inefficiencies that the court's prior ruling was meant to avoid. Given the breadth of the complaint and the vagueness and breadth of the request – which seeks information about all communications concerning this action, as well as all documents concerning such communications – the better

course is to conduct depositions and then follow up with more specific document requests based on the information disclosed during the depositions.

SO ORDERED:

Viktor V. Pohorelsky

VIKTOR V. POHORELSKY
United States Magistrate Judge

Dated: Brooklyn, New York
August 30, 2006